

MAR 03 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

JULIA L. GLENN, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA,)	Criminal Action No. 1:04CR00067
)	(Civil Action No. 1:16CV80974)
v.)	
)	<u>FINAL ORDER</u>
CECIL EDWARD WAMPLER, JR.,)	
)	By: Hon. Glen E. Conrad
Defendant.)	Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Wampler's motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255 (ECF No. 197) is **GRANTED**;
2. The government's motion to dismiss (ECF No. 204) is **DENIED**;
3. Wampler's motion to vacate abeyance orders and expedite hearing (ECF No. 212) is **GRANTED**;
4. The government's motion to file response out of time (ECF No. 215) is **GRANTED**; and
5. Wampler must be resentenced. Counsel are **DIRECTED** to promptly contact the Clerk to schedule an expedited sentencing hearing, and the Probation Office is **DIRECTED** to prepare an Amended Presentence Report that reflects the court's ruling that Wampler no longer qualifies as an armed career criminal.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner, all counsel of record, and the United States Probation Office. In addition, the Clerk is directed to close Civil Action No. 1:16CV80974 as all further action will occur in Wampler's criminal case.

ENTER: This 3rd day of March, 2017.


Chief United States District Judge